

304.14-120 Filing and approval of forms.

- (1) No basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or contract, or printed rider or indorsement form or form of renewal certificate, shall be delivered, or issued for delivery in this state, unless the form has been filed with and approved by the executive director. This provision shall not apply to any rates filed under Subtitle 17A of this chapter, surety bonds, or to specially rated inland marine risks, or to policies, riders, indorsements, or forms of unique character designed for and used with relation to insurance upon a particular subject, or which relate to the manner or distribution of benefits or to the reservation of rights and benefits under life or health insurance policies and are used at the request of the individual policyholder, contract holder, or certificate holder. As to group insurance policies issued and delivered to an association outside this state but covering persons resident in this state, all or substantially all of the premiums for which are payable by the insured members, the group certificates to be delivered or issued for delivery in this state shall be filed with and approved by the executive director.
 - (a) As to forms for use in property, marine (other than wet marine and transportation insurance), casualty and surety insurance coverages (other than accident and health) the filing required by this subsection may be made by advisory organizations or form providers on behalf of their members and subscribers; but this provision shall not be deemed to prohibit any such member or subscriber from filing any such forms on its own behalf.
 - (b) Every advisory organization and form provider shall file with the executive director for approval every property and casualty policy form and endorsement before distribution to members, subscribers, customers, or others.
 - (c) Every property and casualty insurer shall file with the executive director notice of adoption before use of any approved form filed by an advisory organization or form provider or filed by the insurer pursuant to paragraph (a) of this subsection.
- (2) Every such filing shall be made not less than sixty (60) days in advance of any such delivery. At the expiration of such sixty (60) days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the executive director. Approval of any such form by the executive director shall constitute a waiver of any unexpired portion of such waiting period. The executive director may extend by not more than a thirty (30) day period within which he may so affirmatively approve or disapprove any such form, by giving notice to the insurer of such extension before expiration of the initial sixty (60) day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such form shall be deemed approved. The executive director may at any time, after notice and for cause shown, withdraw any such approval.
- (3) Any order of the executive director disapproving any such form or any notice of the executive director withdrawing a previous approval shall state the grounds therefor and the particulars thereof in such detail as reasonably to inform the insurer thereof.

Any such withdrawal of a previously approved form shall be effective at expiration of such period, not less than thirty (30) days after the giving of the notice of withdrawal, as the executive director shall in such notice prescribe.

- (4) The executive director may, by order, exempt from the requirements of this section for so long as he deems proper any insurance document or form or type thereof as specified in such order to which, in his opinion, this section may not practicably be applied, or the filing and approval of which are, in his opinion, not desirable or necessary for the protection of the public.
- (5) Appeals from orders of the executive director disapproving any such form or withdrawing a previous approval shall be taken as provided in Subtitle 2 of this chapter.
- (6) For the purposes of this section, unless the context requires otherwise:
 - (a) "Advisory organization" has the meaning provided in KRS 304.13-011; and
 - (b) "Form provider" has the meaning provided in KRS 304.13-011.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 380, sec. 21, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 496, sec. 47, effective April 10, 1998. -- Amended 1994 Ky. Acts ch. 512, sec. 65, effective July 15, 1994. -- Amended 1984 Ky. Acts ch. 322, sec. 11, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 123, sec. 15, effective July 15, 1982. -- Created 1970 Ky. Acts ch. 301, subtit. 14, sec. 12, effective June 18, 1970.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.